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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,325	06/23/1999	YOAV SHOHAM	003660.P001X	2458

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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/339,325

Applicant(s)
Shoham et al.

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 17, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13, and 15-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

[Handwritten signature]
12-22-03

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REQUEST FOR CONTINUED EXAMINATION (RCE)

(Paper#26)

1. The request for continued examination (RCE) filed on 10/17/2003 under 37 CFR 1.114 based on parent Application No. 09/339,325 is acceptable and an RCE has been established. An action on the RCE follows:

2. Claims 1-7, 9-13 & 15-22 are pending.

DRAWINGS

3. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

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4. Claims 1-7, 9-13 & 15-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fujisaki 4,789,928 (12/06/1988) (herein referred to as “Fujisaki”) in view of Fisher US 5,835,896 (Nov. 10, 1998) [US f/d: Mar. 29, 1996] (herein referred to as “Fisher”).

As per claim 1, Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) shows: “A universal auction system having a programmable auction server . . . [ABSTRACT; and FIG. 1] the programmable auction server comprising: a plurality of auction modules to be configured by a user to deploy the universal auction system . . . [ABSTRACT; and FIG. 1] wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier . . . [FIG. 10] to determine the eligibility of one of a plurality of traders to the universal auction system based on previous auction history, an information manager . . . [FIG. 10; and FIG. 12] to provide information to be released by the universal auction system based on an auction classification, a clearer . . . [FIG. 13; FIG. 14; and FIG. 15] to implement a clearing calculation based on a discriminating allocation policy, a bid transformer to transform a submitted bid of one of the plurality of traders, and a proxy bidder . . . [FIG. 10] to automatically submit a bid of a trader.”

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Fujisaki lacks an explicit recitation of: “a proxy bidder to automatically submit a bid of a trader. . . .” even though Fujisaki (FIG. 10) suggests same.

Fisher (FIG. 7; col. 9, ll. 17-35; col. 12, ll. 63-67; and col. 13, ll. 1-25) shows “a proxy bidder to automatically submit a bid of a trader. . . .”

Fisher proposes “proxy bidder” modifications that would have applied to the system and method of Fujisaki. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Fisher with the teachings of Fujisaki because such combination would have provided “an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.” (See Fujisaki (col. 1, ll. 55-62) and because such combination would have provided a system and method for “complete electronic matching of buyers and sellers. . . .” (see Fisher (col. 2, line. 65)).

As per dependent claims 2-7 & 10-13, Fujisaki in view of Fisher shows the system of claim 1 and subsequent claims depending from claim 1.

Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) suggests the elements and limitations of claims 2-7 & 10-13.

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Fujisaki lacks an explicit recitation of the proxy bid, and bid transformation elements of claims 2-7 & 10-13, even though Fujisaki suggests same.

Fisher (FIG. 7; col. 9, ll. 17-35; col. 12, ll. 63-67 and col. 13, ll. 1-25; and whole document) shows the proxy bid, and bid transformation elements of claims 2-7 & 10-13.

Fisher proposes “proxy bidder and bid transformation” modifications that would have applied to the system and method of Fujisaki. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Fisher with the teachings of Fujisaki because such combination would have provided “*an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.*” (See Fujisaki (col. 1, ll. 55-62) and because such combination would have provided a system and method for “*complete electronic matching of buyers and sellers. . . .*” (see Fisher (col. 2, line. 65)).

As per claim 15, Fujisaki (col. 6, ll. 3-12) discloses an automated auction: “*transmission procedure. . . .*” In this case the Examiner interprets such procedure as a “market protocol from a market specification console.”

Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll.

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1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) suggests the elements and limitations of claim 15.

Fujisaki lacks an explicit recitation of the bid transformation element of claim 15, even though Fujisaki suggests same.

Fisher (FIG. 14; FIG. 9; FIG. 10; FIG. 11; FIG. 12; col. 12, ll. 1-67; col. 13, ll. 1-25; col. 9, ll. 17-35; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 63-67; and col. 13, ll. 1-25) shows “*automatically submit a bid of a trader. . . .*” And “*ADJUST ITEM PRICE*”.

Fisher proposes “transformation” modifications that would have applied to the system and method of Fujisaki. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Fisher with the teachings of Fujisaki because such combination would have provided “*an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.*” (See Fujisaki (col. 1, ll. 55-62) and because such combination would have provided a system and method for “*complete electronic matching of buyers and sellers. . . .*” (see Fisher (col. 2, line. 65)).

As per dependent claims 16-21, Fujisaki in view of Fisher shows the method of claim 15.

Fujisaki (col. 6, ll. 3-12) discloses an automated auction: “*transmission procedure. . . .*” In this case the Examiner interprets such procedure as a “rule.”

Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG.

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10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) suggests the elements and limitations of claims 16-21.

Fujisaki lacks an explicit recitation of the rule elements of claims 16-21, even though Fujisaki suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Fujisaki (col. 6, ll. 3-12; and whole document) would have been selected in accordance with the rule elements of claims 16-21 because selection of such features would have provided “*an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.*” (See Fujisaki (col. 1, ll. 55-62).

As per claim 22, Fujisaki (col. 6, ll. 3-12) discloses an automated auction: “*transmission procedure. . . .*” In this case the Examiner interprets such procedure as a “receiving at least one market protocol from a market specification console. . . .”

Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll.

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1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) suggests the elements and limitations of claim 22.

Fujisaki lacks an explicit recitation of the bid transformation element of claim 22, even though Fujisaki suggests same.

Fisher (FIG. 14; FIG. 9; FIG. 10; FIG. 11; FIG. 12; col. 12, ll. 1-67; col. 13, ll. 1-25; col. 9, ll. 17-35; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 63-67; and col. 13, ll. 1-25) shows “*automatically submit a bid of a trader. . . .*” And “*ADJUST ITEM PRICE*”.

Fisher proposes “transformation” modifications that would have applied to the system and method of Fujisaki. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Fisher with the teachings of Fujisaki because such combination would have provided “*an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.*” (See Fujisaki (col. 1, ll. 55-62) and because such combination would have provided a system and method for “*complete electronic matching of buyers and sellers. . . .*” (see Fisher (col. 2, line. 65)).

As per claim 9, Fujisaki shows the system of claim 22.

Fujisaki (col. 6, ll. 3-12; and col. 6, ll. 42-46; FIG. 2; FIG. 3; and col. 4, ll. 2-33; and col. 8, ll. 56-64) discloses an automated auction: “*transmission procedure. . . .*”; and includes a “*plurality of modems. . . .*” In this case, the Examiner interprets such transmission procedure as a “rule.” And the Examiner interprets the inclusion of modems

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as suggesting a user modifiable transmission procedure, i.e., a user modifiable rule.

Fujisaki (the ABSTRACT; FIG. 1; FIG. 6; FIG. 5(A); FIG. 7; FIG. 9; FIG. 8; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 18; FIG. 19; FIG. 21; col. 1, ll. 5-67; col. 2, ll. 1-45; col. 3, ll. 40-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-20; and whole document) suggests the elements and limitations of claim 9.

Fujisaki lacks an explicit recitation of the user modifiable rule element of claim. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Fujisaki (col. 6, ll. 3-12; col. 6, ll. 42-46; and FIG. 2; FIG. 3; and whole document) would have been selected in accordance with the rule elements of claim 9 because selection of such features would have provided “*an auction information transmission processing system which enables individuals dispersed over a wide area to participate in an auction without gathering at the auction site.*” (See Fujisaki (col. 1, ll. 55-62).

RESPONSE TO ARGUMENTS

5. Applicant's arguments (Amendment F, paper#25, filed 10/17/2003) have been fully considered but they are not persuasive for the following reasons:

Applicant's argument (Amendment F, paper#25) are moot based on new grounds of rejection necessitated by Applicant's amendments.

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CONCLUSION

6. Any response to this action should be mailed to:

Commissioner for Patents
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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

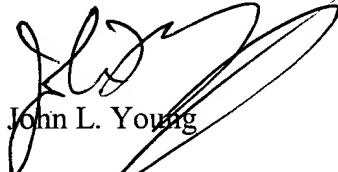
Serial Number: 09/339,325

(Shoham et al.)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young
Patent Examiner

December 22, 2003